

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADLEPHIA DIVISION**

In re:  <b>Alejandro Franco Tovar</b> Debtor.  v. <b>Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust</b>  Respondents.	Bankruptcy 21-10139-elf  Chapter 13  Related to Doc. No. 15
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**WILMINGTON SAVINGS FUND SOCIETY'S LIMITED  
RESPONSE TO DEBTOR'S MOTION TO SELL**

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust ("Secured Creditor"), by and through its undersigned attorney, hereby files its Limited Response To Motion to Sell ("Motion") (DE# **15**) and in support thereof states as follows::

1. Secured Creditor holds a first lien on the subject property located at 396 Anglesey Ter., West Chester, Pennsylvania 19380. (the "Property").

2. This Court has exclusive jurisdiction over the property in question under 28 U.S.C. Section 1334.

3. On February 5, 2021, Alejandro Franco Tovar ("Debtor") filed the instant Motion to Sell Real Property for a total price of \$237,000.00.

4. As of February 10, 2021, the estimated payoff of Secured Creditor's lien is \$146,286.68. This amount should not be relied upon to pay off the loan as interest and additional advances may come due prior to the date of the proposed sale. Secured Creditor will provide an updated payoff at or near the scheduled closing of the refinance.

5. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said refinance based upon an up to date payoff quote.

6. Secured Creditor is filing its Limited Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the

property absent payment in full of Secured Creditor's mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).

7. Furthermore, Secured Creditor requests that failure to complete any sale within ninety (90) days of entry of this Order will result in any Order authorizing the sale to be deemed moot.

**WHEREFORE,** Secured Creditor respectfully requests the Motion be conditionally granted, and any order granting the Motion shall include the terms identified herein; and for such other and further relief as the Court deems just and proper.

Dated: February 10, 2021

**Robertson, Anschutz, Schneid, Crane & Partners, PLLC**

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Telephone: (470) 321-7112

By: /s/ Charles G. Wohlrab

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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that I caused to be served the above captioned pleadings at the addresses specified below on **February 10, 2021**.

The types of service made on the parties were:

By First-Class Mail:

Alejandro Franco Tovar  
405 E. Anglesey Terrace  
West Chester, PA 19380

By ECF Notificatoin:

JOSEPH L QUINN  
Ross, Quinn & Ploppert, P.C.  
192 S. Hanover Street, Suite 101  
Pottstown, PA 19464

WILLIAM C. MILLER, Esq.  
Chapter 13 Trustee  
P.O. Box 1229  
Philadelphia, PA 19105

United States Trustee  
Office of United States Trustee  
200 Chestnut Street  
Suite 502  
Philadelphia, PA 19106

Dated: February 10, 2021

**Robertson, Anschutz, Schneid, Crane &  
Partners, PLLC**

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